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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CLARENCE D. JOHNSON, JR.,

11 Plaintiff,

12 v.

13 DEPARTMENT OF ENERGY, et  
14 al.,

15 Defendants.

CASE NO. C21-0481JLR

ORDER DISMISSING  
COMPLAINT

16 **I. INTRODUCTION**

17 Before the court is *pro se* Plaintiff Clarence D. Johnson, Jr.’s complaint against the  
18 Department of Energy (“DOE”) and eleven additional Defendants (Compl. (Dkt. # 8))  
19 and Magistrate Judge Michelle L. Peterson’s order granting Mr. Johnson in forma  
20 pauperis (“IFP”) status and recommending that the court review this action pursuant to 28  
21 U.S.C. § 1915(e)(2)(B) (IFP Order (Dkt. # 7)). Under 28 U.S.C. § 1915(e), courts have  
22 authority to review IFP complaints and must dismiss them if, “at any time,” a complaint

1 is determined to be frivolous, malicious, fails to state a claim on which relief may be  
2 granted, or seeks monetary relief from a defendant who is immune from such relief. 28  
3 U.S.C. § 1915(e)(2). As discussed below, Mr. Johnson’s complaint falls within the  
4 category of pleadings that fail to state a claim. Accordingly, the court DISMISSES Mr.  
5 Johnson’s complaint without prejudice and with leave to amend.

## 6 **II. BACKGROUND**

7 Mr. Johnson brings this lawsuit against the DOE, Joe Biden, Kamala Harris,  
8 Angela Byers, Queen Elizabeth, Magistrate Judge Jon A. York, the Chicago Tribune, the  
9 Chicago Sun Times, the Illinois Sun Times, Agility PR Solutions Ltd London, “Canadian  
10 Newspapers,” and Gary Mason. (*See* Compl. at 1-5.) He alleges, as his statement of  
11 claim, “Covid 19 CDC K9 face mask FDA Medical Crimes DOT Crimes Illinois  
12 Restaurant Association.” (*Id.* at 5.) He seeks, as relief, “Contact Cochran Lawfirm . . .  
13 regarding any Prisoner Property seizure’s [sic].” (*Id.*) He attaches an exhibit to his  
14 complaint but does not explain how that exhibit relates to his alleged claims. (*See id.*,  
15 Ex. 1.<sup>1</sup>)

## 16 **III. ANALYSIS**

17 Title 28 U.S.C. § 1915(e)(2)(B) authorizes a district court to dismiss a claim filed  
18 IFP “at any time” if it determines: (1) the action is frivolous or malicious; (2) the action  
19 fails to state a claim; or (3) the action seeks relief from a defendant who is immune from  
20 such relief. *See* 28 U.S.C. § 1915(e)(2)(B). Section 1915(e)(2) parallels the language of  
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22 <sup>1</sup> This exhibit is subject to a pending motion to seal. (*See* Mot. to Seal (Dkt. # 2).)

1 Federal Rules of Civil Procedure 12(b)(6). *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th  
2 Cir. 2000). The complaint therefore must allege facts that plausibly establish the  
3 defendant's liability. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-57 (2007).  
4 Because Mr. Johnson is a *pro se* plaintiff, the court must construe his pleadings liberally.  
5 *See McGuckin v. Smith*, 974 F.2d 1050, 1055 (9th Cir. 1992). But even liberally  
6 construed, Mr. Johnson's complaint fails to plausibly establish the Defendants' liability  
7 or raise his "right to relief above the speculative level." *See Twombly*, 550 U.S. at 555.

8 Here, the court is unable to determine the basis of Mr. Johnson's claims against  
9 the diverse set of Defendants named in his complaint. Even construing the complaint  
10 liberally, as it must, the court is unable to determine what claims Mr. Johnson has  
11 brought and what facts support those claims. For these reasons, the court concludes that  
12 Mr. Johnson's complaint fails to state a claim against Defendants and dismisses the  
13 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

14 When a court dismisses a *pro se* plaintiff's complaint, the court must give the  
15 plaintiff leave to amend unless it is absolutely clear that amendment could not cure the  
16 defects. *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995). Therefore, the court  
17 grants Mr. Johnson fourteen (14) days to file an amended complaint that properly  
18 addresses the pleading deficiencies identified in this order. If Mr. Johnson fails to timely  
19 comply with this order or fails to file an amended complaint that corrects the identified  
20 deficiencies, the court will dismiss his complaint without leave to amend.

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Dated this 29th day of April, 2021.

JAMES L. ROBERT  
United States District Judge